

ESTTA Tracking number: **ESTTA689175**Filing date: **08/12/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	JFP Gulf General Trading LLC		
Entity	Corporation	Citizenship	United Arab Emirates
Address	Al Ras Building 2nd Floor-205, 1st Street, Alras Dubai, P.O. Box 122658, UNITED ARAB EMIRATES		

Attorney information	Mike Rodenbaugh RODENBAUGH LAW 548 MARKET STREET BOX NO. 55819 SAN FRANCISCO, CA 94104 UNITED STATES mike@rodenbaugh.com Phone:4157388087
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**Registrations Subject to Cancellation**

Registration No	3511321	Registration date	10/07/2008
Registrant	EVORY TECHNOLOGIES, INC. 4847 HOPYARD ROAD, STE 4269 PLEASANTON, CA 94588 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 030. First Use: 2006/01/01 First Use In Commerce: 2006/01/01  
Cancelled goods and services in the class: Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread

**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)		
Registration No	3273480	Registration date	08/07/2007
Registrant	EVORY TECHNOLOGIES, INC. 4847 HOPYARD ROAD, STE 4269 PLEASANTON, CA 94588 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 030. First Use: 2006/01/01 First Use In Commerce: 2006/01/01  
Cancelled goods and services in the class: Allspice; Bagels; Bread; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee; Cookies; Dumplings; Espresso; Filo; Flour;

Frozen yogurt;Herb tea; Honey; Ice; Ice cream; Iced tea; Ketchup; Lo mein; Muffins; Noodles; Oat-meal; Oolong tea; Pasta; Pies; Pizza;Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Tea; Tea substitutes; Tea-based beverages with fruit flavoring; Vanilla; Vinegar; Wafers; Waffles
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## Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>
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808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Marie Richmond/
Name	Marie Richmond
Date	08/12/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Registration No.: 3511321  
For the mark: ALISHAN  
Date Registered: October 7, 2008

Registration No.: 3273480  
For the mark: ALISHAN  
Date Registered: August 7, 2007

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JFP GULF GENERAL TRADING LLC,

Petitioner,

vs.

EVORY TECHNOLOGIES, INC.,

Registrant.

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: Petition No.  
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: **PETITION TO CANCEL**  
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JFP GULF GENERAL TRADING LLC (“Petitioner”), is a company organized in the United Arab Emirates with its principal place of business at AI Ras Building, 2nd Floor-205, 1st Street, Alras, Dubai, P.O. Box 122658, United Arab Emirates. To the best of Petitioner’s knowledge, the name and address of the owner of registration nos. 3511321 and 3273480 are EVORY TECHNOLOGIES, INC. (“Registrant”), 4847 Hopyard Road, Ste. 4269, Pleasanton, California 94588, United States. The above-identified Petitioner believes that it will be damaged by the above-identified registrations, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

### **Petitioner's Business**

1. Petitioner distributes and sells rice under the ALISHAAN mark and plans to file for trademark registration in International Class 030.

### **The Marks at Issue in This Petition**

2. Registrant owns two trademarks for ALISHAN, see below:
- a. ALISHAN, registration no. 3511321 in International Class 030  
(Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino;  
Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes;  
Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb  
tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages  
with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein;  
Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza;  
Popcorn; Relish; Rice; Salt; Sandwiches; Sauces; Shakes; Spices;  
Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread)  
(the "Word Mark").
  - b. ALISHAN, registration no. 3273480 in International Class 030  
(Allspice; Bagels; Bread; Bubble gum; Cakes; Candy; Cappuccino;  
Chewing gum; Chocolate; Cocoa; Coffee; Cookies; Dumplings;  
Espresso; Filo; Flour; Frozen yogurt; Herb tea; Honey; Ice; Ice  
cream; Iced tea; Ketchup; Lo mein; Muffins; Noodles; Oatmeal;  
Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Salt;  
Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Tea;

Tea substitutes; Tea-based beverages with fruit flavoring; Vanilla; Vinegar; Wafers; Waffles) (the “Logo Mark”).

3. The Word Mark registered on October 7, 2008. A Declaration of Use under Sections 8 & 15 was filed on October 6, 2014; the Declaration was accepted and acknowledged on October 14, 2014.

4. Both the specimen submitted with the application for registration and the specimen submitted in conjunction with the Declaration of Use for the Word Mark only show the Word Mark being used in commerce in conjunction with what appears to be tea.

5. The Logo Mark registered on August 7, 2007. A Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 was filed on August 19, 2013; the Declaration was accepted on September 4, 2013.

6. Similar to the Word Mark, both the specimen submitted with the application for registration and the specimen submitted in conjunction with the Declaration under Section 8, only show the Logo Mark being used in commerce in conjunction with tea.

7. The Registrant has failed to show use of either the Word Mark and/or Logo Mark being used in commerce in conjunction with any other goods described in the trademark registrations. In addition, Petitioner has conducted an internet search and has found no such evidence.

8. Therefore, Petitioner is informed and believes that Registrant does not, and has never, used either the Word and/or Logo Mark in commerce in connection with various goods listed in both trademark registrations.

9. As such, Petitioner believes the Word and Logo marks were registered and/or maintained by fraud and must be cancelled in their entirety.

10. Alternatively, Petitioner believes the Word and Logo marks must be cancelled in whole or in part based upon non-use.

WHEREFORE, Petitioner requests that this opposition be sustained and that the registration nos. 3511321 and 3273480 be cancelled.

The opposition fee in the amount of \$600.00 for an opposition against both registrations, in one class each, is paid herewith. This paper is filed electronically.

RESPECTFULLY SUBMITTED,

DATED: August 12, 2015

/s/ *Mike Rodenbaugh*

Mike Rodenbaugh  
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